

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FREDDIE CULP,

Plaintiff,

AMENDED COMPLAINT

-against-

11 CV. 4411 (FB)(ALC)

WILLIAM BISSO, STACY MANOR, JAMES
BASSETT and BRIAN HARTMAN,

Defendants.

-----X

Plaintiff, by his attorneys Sivin & Miller, LLP, complaining of defendants,
alleges as follows, upon information and belief:

THE PARTIES

1. That plaintiff currently is a resident of the County of Kings, City and State of New York.
2. That at all times herein mentioned, plaintiff was an inmate at the Clinton Correctional Facility (Clinton), under the care, custody and control of the New York Department of Correctional Services (DOCS).
3. That at all times hereinafter mentioned, defendant William Bisso (Bisso) was employed by DOCS as a sergeant at Clinton.
4. That at all times herein mentioned, defendant Stacy Manor was employed by DOCS as a corrections officer at Clinton.
5. That at all times herein mentioned, defendant James Bassett was employed by DOCS as a corrections officer at Clinton.

6. That at all times herein mentioned, defendant Brian Hartman was employed by DOCS as a corrections officer at Clinton.

7. That at all times herein mentioned, defendants were acting within the course and scope of their employment with DOCS.

8. That at all times herein mentioned, defendants were acting under color of state law.

9. That at all times herein mentioned, defendants acted intentionally, maliciously, and with conscious disregard for plaintiff's safety and rights.

10. That this Court has jurisdiction over this action in that the action arises under 42 USC § 1983 and alleges violations of plaintiff's civil rights, including rights guaranteed under the Eighth and Fourteenth Amendments to the United States Constitution.

FACTUAL BACKGROUND

11. Plaintiff repeats and realleges each and every allegation set forth above as though fully set forth at length herein.

12. That on or about December 6, 2009, inside Clinton, Stacy Manor beat plaintiff repeatedly about the legs and feet with a baton or nightstick.

13. That the aforesaid beating by Stacy Manor was done without justification and for no legitimate purpose.

14. That on or about December 6, 2009, inside Clinton, James Bassett beat plaintiff repeatedly about the legs and feet with a baton or nightstick.

15. That the aforesaid beating by James Bassett was done without justification and for no legitimate purpose.

16. That on or about December 6, 2009, inside Clinton, Brian Hartman beat plaintiff repeatedly about the legs and feet with a baton or nightstick, choked plaintiff with his hands, and stomped on plaintiff's bare feet.

17. That the aforesaid beating and other actions by Brian Hartman were done without justification and for no legitimate purpose.

18. That the aforesaid acts by Manor, Bassett and Hartman were committed in the presence of Bisso.

19. That Bisso had the ability and opportunity to intervene to prevent the aforesaid acts by his subordinates from continuing, but intentionally failed to do so.

20. That Bisso actually encouraged the beating of plaintiff by advising his co-defendants on how to proceed with the beating, by stating, among other things, that the co-defendants should avoid striking plaintiff in the face.

21. That as a result of the aforementioned acts by defendants herein, plaintiff sustained severe personal injuries, including injuries to the feet and fractures and other damage to the left foot, requiring surgery.

22. That as a further result of the aforementioned acts by defendants herein, plaintiff endured and will continue to endure physical and emotional pain and suffering and loss of enjoyment of life, as well as economic loss.

**FIRST CAUSE OF ACTION AGAINST STACY MANOR,
JAMES BASSETT and BRIAN HARTMAN**

23. Plaintiff repeats and realleges each and every allegation set forth above as though fully set forth at length herein.

24. That the aforementioned acts by Stacy Manor, James Bassett and Brian Hartman were in violation of the rights guaranteed to plaintiff under the Eighth Amendment to the US Constitution to be free from cruel and unusual punishment.

25. That as a result thereof, plaintiff is entitled to recover damages from said defendants pursuant to 42 USC § 1983.

SECOND CAUSE OF ACTION AGAINST WILLIAM BISSO

26. Plaintiff repeats and realleges each and every allegation set forth above as though fully set forth at length herein.

27. That the aforementioned acts by Bisso in failing to intervene on plaintiff's behalf and in encouraging Stacy Manor, James Bassett and Brian Hartman to continue their unjustified physical attack upon plaintiff were in violation of the rights guaranteed to plaintiff under the Eighth Amendment to the US Constitution to be free from cruel and unusual punishment.

28. That as a result thereof, plaintiff is entitled to recover damages from said defendant pursuant to 42 USC § 1983.

29. That the causes of action herein fall within one or more of the exceptions set forth in New York's Civil Practice Law & Rules § 1602 with respect to joint and several liability.

WHEREFORE, plaintiff seeks judgment against defendants, and each of them, on the aforementioned causes of action, as follows:

Plaintiff seeks compensatory damages against defendants, each in the amount of Two Million (\$2,000,000.00) Dollars; and

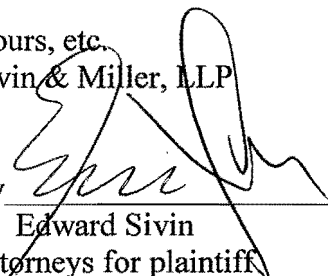
Plaintiff seeks punitive damages against defendants, each in the amount of Two Million (\$2,000,000.00) Dollars; and

Plaintiff seeks attorney's fees pursuant to 42 USC § 1988; and

Plaintiff seeks interest and the costs and disbursements of this action.

Dated: New York, New York
March 5, 2012

Yours, etc.
Sivin & Miller, LLP

By 
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AMENDED COMPLAINT

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